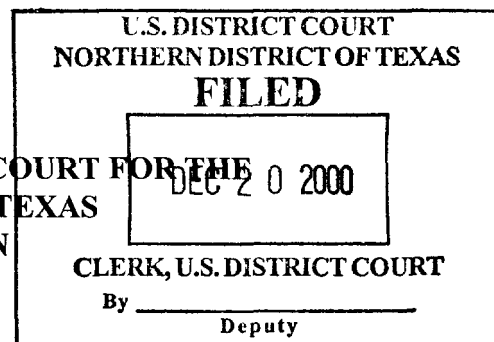


*JLH*  
**ORIGINAL**

**IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF TEXAS  
DALLAS TEXAS DIVISION**



YUSUF ABDULLAH  
PLAINTIFF,  
V.  
U.S. DEPARTMENT OF STATE,  
DEFENDANT

}  
}  
CIVIL ACTION NO. \_\_\_\_\_

}  
**3 - 00 CV - 2756 G**

**PLAINTIFF'S ORIGINAL COMPLAINT**

TO THE HONORABLE JUDGE OF SAID COURT:

1. Plaintiff Yusuf Abdullah, is an individual, an attorney, licensed by the State of Texas who is a citizen of the State of Texas. The plaintiff is a complainant pursuant to 5 U.S.C. 552, et. seq.

2. Defendant U.S. Department of State is an entity of the United States of America. Defendant U.S. Department of State may be served process by delivery of a copy of the summons and complaint to the **United States Attorney General's Office. C/o Civil Process Clerk, 1100 Commerce, 3rd floor, Dallas, Texas 75242-1699**; and by serving process by delivery of a copy of the summons and complaint to the **U.S. Attorney General Office, 10th & Pennsylvania Avenue NW, Washington, D.C. 20530.**

3. The court has jurisdiction over the lawsuit because this action arises under the Freedom of Information Act, (FOIA) 5 U.S.C. Section 552, (4) (B) which requires that the general public have access to federal records that are not exempted from disclosure by federal law. Further, the statute allows for a complainant to file suit to obtain a court order enjoining the federal agency from

**PLAINTIFF'S ORIGINAL COMPLAINT-1**

withholding non exempted records from the requesting complainant.

4. The court has venue over this matter because the statute in question states that the complainant may file suit in the district in which the complainant resides, or has his principal place of business. The complainant resides and has his principal place of business in Dallas County, Texas.

### **BACKGROUND**

5. On or about June 30, 2000, plaintiff requested by way of the Freedom of Information Act certain records from the U.S. Department of State, Washington, D.C. 20522-6001. Pursuant to the statute in question, the defendant is mandated to respond to a request within twenty days (excepting Saturdays, Sundays, and legal public holidays) after the receipt of any such request and shall immediately notify the person making such request of such determination and the reasons therefor, and of the right of such person to appeal to the head of the agency any adverse determination. U.S.C. Sec. 552 (G)(6)(A)(I). The defendant did not respond to the plaintiff's request within the twenty-day deadline, nor did the defendant notify the plaintiff of any adverse determination. See copy of written request dated June 30, 2000 that is attached and incorporated into this complaint as exhibit #1

6. On or about July 27, 2000, plaintiff repeated his request from Defendant U.S. Department of State by way of a written request pursuant to the Freedom of Information Act. The defendant did not respond to the plaintiff's request. See copy of written request attached and incorporated into this complaint as exhibit #2.

7. On or about August 23, 2000, defendant responded in writing to the plaintiff's request by acknowledging receipt of the plaintiff's June 30, 2000 request and stated that work had begun to process the request. See copy of defendant's response attached and incorporated into to this complaint as exhibit #3.

8. On or about September 11, 2000, plaintiff faxed a written memorandum to Ms. Karen French, representative of the U.S. Department of State, Washington, D.C. reminding the agency that by federal law it should comply with a written FOIA request within 20 days. A copy of that memorandum is attached and incorporated into this complaint as exhibit #4.

9. On or about September 14, 2000, a phone call was made by the plaintiff to the office of Margaret Roman, U.S. Department of State at (202) 261-8314. The plaintiff spoke to Ms. Roman who informed plaintiff that the request was being processed by the central files division, office of passport services, and the Bureau of Diplomatic Security. The plaintiff then asked Ms. Roman why she could not simply contact the U.S. Department of State, Houston Passport Agency, Mickey Leland Federal Building, Houston, Texas and ask them to make a copy of the file. The file contents requested arise out of information maintained by the U.S. Department of State, Passport Agency, that earlier processed the plaintiff's passport request. As of the date of the filing of this complaint, no records have been received by the plaintiff.

10. On or about October 25, 2000, a letter was mailed to the defendant by the plaintiff again seeking a copy of the plaintiff's passport file. A copy of that letter is attached and incorporated into this complaint as exhibit #5.

11. On or about November 14, 2000, a letter was mailed to the plaintiff by the defendant stating that "every effort was being made to process the plaintiff's request." A copy of that letter is attached and incorporated in this complaint as exhibit #6.

12. On or about November 14, 2000, a response letter was mailed to the defendant by the plaintiff seeking an explanation of why his request for a copy of his file maintained by the US Department of State was taking so long. Further, the letter warns the agency that court action would be sought to compel the agency to comply with federal law and that attorney fees and court cost would be sought should the plaintiff substantially prevail. A copy of that letter is attached and incorporated into this complaint as exhibit #7.

#### **CAUSE OF ACTION**

13. Plaintiff is being denied his federal rights to receive records that are not exempted from federal disclosure.

14. Plaintiff is being denied his federal rights to receive records that are not exempted from disclosure by way of nonfeasance. Defendant does not openly deny the FOIA request of the plaintiff, rather it simply does not comply with the request. Plaintiff has exhausted his administrative remedies by statute. 5 U.S.C. Sec. 552 (G)(6(C)(I)

15. It has been almost 6 months from the date of the FOIA request of the plaintiff, when the federal statute allows only 20 days, and Defendant has still failed to comply.

16. Plaintiff asks that this court enjoin the Defendant from withholding a copy of any and all records that are within his U.S. Department of State passport file.

17. Plaintiff asks that this court award reasonable attorney fees and court cost pursuant to Freedom of Information Act, 5 U.S.C. Section 552 (E); and or 28 U.S.C. Sec. 1331.

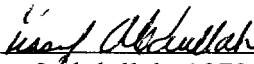
18. All conditions precedent to filing suit have occurred.

WHEREFORE PREMISES CONSIDERED, Plaintiff complains of the Defendant and ask that this court after providing notice and due process to Defendant regarding this complaint order them to release a copy of any and all documents within the US Department of State file or passport file of the plaintiff; pay the plaintiff reasonable attorney fees and court cost; and order such other or further relief, in law or equity, to which the plaintiff shows himself to be entitled.

Respectfully submitted,



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